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NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES
Of the meeting of the
BOARD OF PAROLE COMMISSIONERS

September 2, 2010

Minutes approved on January 20, 2011

The Board of Parole Commissioners held a public meeting on September 2, 2010, beginning at 4:00 pm at the following locations:

Conference room at the central office of the Board of Parole Commissioners, located at 1677 Old Hot Springs Road, Ste. A, Carson City, NV., video conference to Parole Board Office, 4000 S. Eastern Avenue, Ste. 130, Las Vegas, NV.

I. Open Meeting, Call to order, roll call 4:04 p.m.

The meeting was called to order by Chairman Bisbee. Present in Carson City were Chairman Bisbee, Commissioner Endel, Commissioner Corda and Commissioner Jackson. Present in Las Vegas were Commissioner Keeler, and Commissioner Gray. Commissioner Silva was not present.

Support staff in attendance:

Kathi Baker, Executive Secretary
David Smith, Hearing Examiner II
Thomas Pulliam, Hearing Examiner, I
Debra Hausman, Administrative Assistant II

No members of the public were in attendance in the Carson City or Las Vegas offices.

II. Public Comment. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2) of NRS 241.020.

Chairman Bisbee asked any member of the public that would like to make comments regarding anything other than the items listed on the agenda to come forward and limit their comments to 3 minutes.

There were no public comments – no members of the public were present in Carson City or Las Vegas.

III. Discussion and possible action on the supplemental recommendations stemming from the 2009 Comprehensive Review of the Parole Boards Risk Instrument conducted by JFA Associates.

Chairman Bisbee corrected information listed in item III of the agenda stating JFA Associates is actually JFA Institute. All Board Members were in receipt of the Re-Validation of the Nevada Board of Commissioners Risk Assessment Supplemental Report of the report adopted at the May 23, 2010 meeting and a memo dated September 2, 2010 from Mr. David Smith regarding Comprehensive Review Recommendations. Chairman Bisbee thanked staff members for their work in collecting information during the month of June as to whether or not inmates had received education prior to or during incarceration; or if inmates had any education at all. Collected information was forwarded to JFA Institute which resulted in additional recommendations. Mr. Smith's memo explained that information was conducted on over 673 inmates and recommended that credit should no longer be given for education or programming that wasn't completed during an inmate's current incarceration. It was explained that inmates were coming into the institutions with existing education and were then given credit for it, which was miscalculating its value in terms of recidivism. Recommendation was made that the Board only count education (GED or HSD - High School Diploma or higher education) that are earned on their current incarceration and that be the same for the credit that they earn on current incarceration for programming. The Board would like to make it clear that credit is given for Sexual Treatment of Offenders in Prison (STOP), for completing Addiction Recovery and Commitment to Healing (ARCH), Addiction Prevention Education (APE), GED, HS Diploma or Associates Degree, etc. on the current incarceration.

Another issue in the supplemental report is there seems to be some validity in those inmates that complete Basic Literacy or English as a 2nd language program. Since the Nevada Department of Corrections (NDOC) does not have a certified program for Basic Literacy or English as a 2nd language, Chairman Bisbee recommends the Board does not adopt that particular portion of the supplemental report and does not give credit for these until such time they become certified programs.

Discussion:

Commissioner Corda stated it appears through the document that Dr. Austin believes that the programs have no effect on recidivism in a positive manner and has given the prison a year to prove otherwise.

Chairman Bisbee explained that was the reason for the supplemental. The Board previously spoke about asking the NDOC to prove the program efficiency. It was determined that the Board could assist by doing the survey of the 637 inmates which made it possible for Dr. Austin to take the information to determine if the inmate currently had no education or programs; received education/programs in prison; or prior to prison. Dr. Austin was able to go back to the original risk assessment validation and use those numbers to determine recidivism rates. Dr. Austin found with those that had education or a program completed prior to the incarceration; did not positively affect recidivism this time. Inmates were getting credit for education and programs that they didn't do in prison that would be considered rehabilitative. It does have a positive effect on recidivism if education or programs are completed while incarcerated on the instant offense, but it has a negative impact on recidivism if they are completed prior to doing time for the instant offense and are given credit on the current offense. Commissioner Corda questioned the line stating "If the scoring item cannot show a positive impact on recidivism after these changes, then the item needs to be removed and the risk instrument adjusted."

Chairman Bisbee explained that is information that was on the original report – items highlighted in yellow are the changes. The Board understood that was the original wording in the report and the supplemental items were highlighted in yellow.

Commissioner Keeler stated this was a one month study and the current risk assessment has been used since 2004. Commissioner Keeler questioned if the Board has another cycle in which we would re-validate the risk assessment to see if it has yielded any positive results.

Chairman Bisbee explained the Board is required to complete the comprehensive review every two years and as long as the Board is able to continue funding the revalidation, and if the recommendation is adopted, then there would be a two year cycle showing whether it proved it has the positive impact on recidivism rates that Dr. Austin anticipates.

Chairman Bisbee called for any other comments – none made.

Motion: To move the Board adopt the recommendation as outlined in the memo from Mr. David Smith regarding the change to the definition of when awarding credit for education or programs on the parole risk assessment. Adopt the recommendation immediately. And to direct Mr. Smith to coordinate with the NDOC to make sure the instructions are out there correctly and furthermore would like to recommend that as the NDOC adds certified treatment or education programs that meet the minimum criteria for inclusion for credit on the risk assessment – which the credit is awarded at that time.

Made by: Chairman Bisbee

Seconded by: Commissioner Corda

Votes in Favor: Gray, Keeler, Corda, Bisbee, Endel, Jackson

Votes Opposed: None

Post Discussion: Mr. Smith stated he would try to get an email out to the caseworkers this date regarding the change and how it needs to be scored. The Board will need to watch for inmates out on parole that receive a new felony. The inmate would need to do new programming or new education, once they have been returned back to prison with the new felony. Since starting this recommendation immediately – there will be several risk assessments that will be incorrect starting with hearings next week, so staff recording those hearings will need to make the corrections. Mr. Smith requests the Southern Commissioners pass on this information to Commissioner Silva upon his return.

Commissioner Keeler questioned when the board reports are created by NDOC if they could be more specific in regards to programming and education received on the current incarceration.

Mr. Smith responded NDOC can put the date education or programs were awarded on the current incarceration.

Commissioner Keeler stated this would help with timeframes.

Examiner Pulliam questioned the difference between an inmate returning to an institution on a new felony charge versus a technical violation.

Mr. Smith explained if an inmate returns to prison on a technical violation since the risk assessment is designed for a new felony. Example: If an inmate received a HSD, goes out on parole, and returns to prison on a technical violation and their parole is revoked. When the inmate comes up for parole again, credit would still be given because their risk did not change. The inmate did not go out on parole and commit a new felony.

Chairman Bisbee iterated the recidivism is whether or not the inmate will commit a new felony. If a new felony is not committed, then they would still receive the existing credit.

Mr. Smith explained another example. Example: Inmate received their GED, went out on parole, was convicted of a new felony and is returned to prison on a parole violation – from the point of returning to prison – the inmate would have to achieve another educational degree or complete another program to get the credit. This is the distinction. Examiner Pulliam had another question regarding NDOC regulations as far as completion of programs. Can an inmate complete the same program on the same sentence structure? If the Board recommends a drug program and the inmate has already completed OASIS – he cannot go back to Oasis again per NDOC under the same sentence structure.

Mr. Smith stated the Board will advise the NDOC what we do – the Board must follow the NDOC policies. Another example: If an inmate has a HSD and they return with a new felony and they already had the HSD – they cannot get another HSD.

Chairman Bisbee discussed the Oasis program. There have been exceptions where inmates have gone through OASIS again – that may be the question. The inmate would not receive merit credit from the NDOC, but would receive program credit. If an inmate is able to complete a program on a new felony that they had already done during their last incarceration – it would still be a program credit because that would meet the criteria of completing one of the certified NDOC programs.

Mr. Smith discussed vocational programs. Dr. Austin did not go into depth in his report about the types of vocational programs, but the point is a person learning a skill or trade that they are able to use. Any completion of a vocational program – even if it is short term (dry cleaning) – it is considered a marketable skill and credit would be given.

Chairman Bisbee reminded the Board that these are the NDOC certified vocational programs.

Mr. Smith stated the NDOC will be sending the Board a list of NDOC certified vocational programs.

Examiner Pulliam had a question on Nevada Division of Forestry (NDF) programs.

Chairman Bisbee thought NDF programs would more than likely be considered a vocational program and if the inmate meets these requirements, then they would receive the credit.

Commissioner Corda clarified that the Board is looking for the full completion of these programs, not partial completion.

Chairman Bisbee stated the inmate must have completed a certified program. Commissioner Bisbee asked if there were any other comments on item III of the agenda.

None.

IV. Adjournment

Motion: To adjourn meeting

Made by: Commissioner Corda

Seconded by: Commissioner Keeler and Commissioner Jackson

Votes in Favor: Gray, Keeler, Endel, Bisbee, Corda, Jackson

Votes Opposed: None

Meeting adjourned at 4:24 p.m.